



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
GREAT LAKES NATIONAL PROGRAM OFFICE
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JUL 22 2010

AE-17J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

John Essman
General Manager
Haverhill North Coke Company
2446 Gallia Pike
Franklin Furnace, Ohio 45629

Re: Notice and Finding of Violation at Haverhill North Coke Company, Franklin Furnace

Dear Mr. Essman:

This is to advise you that the U.S. Environmental Protection Agency has determined that Haverhill North Coke Company's (Haverhill North Coke's) facility at 2446 Gallia Pike, Franklin Furnace, Ohio, is in violation of the Clean Air Act (CAA) and associated state or local pollution control requirements. A list of the requirements violated is provided below. We are today issuing you a Notice of Violation and Finding of Violation (NOV/FOV) for these violations.

Haverhill North Coke's PSD Permit to Install (PTI) limits emissions of particulate matter (PM), particulate matter 10 (PM10), carbon monoxide (CO), nitrogen oxides (NOx), sulfur dioxide (SO₂) and volatile organic matter (VOM). The purpose of these emissions limits is to help protect the public from unhealthy exposures to criteria pollutants, emissions of which contribute to respiratory problems, lung damage and premature deaths.

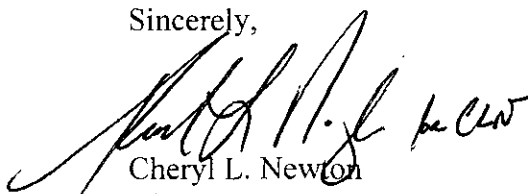
Based on data submitted to EPA on June 4, 2010, Haverhill North Coke has violated provisions in its PSD permit that govern daily coal charge limits and baghouse pressure drop requirements for units P901 and P902 coke batteries. Violations of these requirements are also violations of the Ohio State Implementation Plan (SIP), as well as Title I, Part C of the CAA and its associated regulations which require compliance with the terms and conditions of PSD permits. Accordingly, Haverhill North Coke has violated Title I of the CAA and its implementing regulations.

Section 113 of the CAA gives us several enforcement options to resolve these violations, including: issuing an administrative compliance order, issuing an administrative penalty order, bringing a judicial civil action, and bringing a judicial criminal action. Section 113 of the CAA provides you with the opportunity to request a conference with us about the violations alleged in the NOV/FOV. A conference should be requested within 10 days following receipt of this notice

and any conference should be held within 30 days following receipt of this notice. This conference will provide you a chance to present information on the identified violations, any efforts you have taken to comply, and the steps you will take to prevent future violations. Please plan for your facility's technical and management personnel to take part in these discussions. You may have an attorney represent you at this conference.

EPA's contact in this matter is Gina Harrison. You may call her at (312) 353-6956 if you wish to request a conference. EPA hopes that this NOV/FOV will encourage Haverhill North Coke's compliance with the requirements of the CAA.

Sincerely,

A handwritten signature in black ink, appearing to read "Cheryl L. Newton", with a stylized flourish at the end.

Cheryl L. Newton
Director
Air and Radiation Division

Enclosure

cc: John Paulian, Division of Air Pollution Control
Ohio Environmental Protection Agency

Cindy Charles, Director, Air Pollution Unit
Portsmouth City Health Department

**United States Environmental Protection Agency
Region 5**

IN THE MATTER OF:

Haverhill North Coke Company
Franklin Furnace, Ohio

Proceedings Pursuant to
the Clean Air Act,
42 U.S.C. §§ 7401 et seq.

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(**FINDING OF VIOLATION**
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NOTICE AND FINDING OF VIOLATION

U.S. Environmental Protection Agency is issuing this Notice and Finding of Violation (Notice) under Section 113(a)(1) and (a)(3) of the Clean Air Act, 42 U.S.C. § 7413(a)(1) and (a)(3). The authority to issue this Notice has been delegated to the Regional Administrator of the EPA Region 5, and redelegated to the Director, Air and Radiation Division. EPA finds that Haverhill North Coke Company (Haverhill North Coke or facility), is violating the Clean Air Act (Act), 42 U.S.C. §§ 7401 *et seq.*, at the Haverhill North Coke Plant in Franklin Furnace, Ohio, as follows:

Applicable Permits and Regulations:

1. Section 110 of the Act, 42 U.S.C. § 7410, requires States to adopt, and submit to EPA for approval, SIPs providing for the implementation, maintenance, and enforcement of the National Ambient Air Quality Standards (NAAQS) promulgated by EPA pursuant to Section 109 of the Act, 42 U.S.C. § 7409. EPA has promulgated NAAQS for, among other pollutants, nitrogen oxides (NO_x), particulate matter (PM) and sulfur dioxide (SO₂).
2. Pursuant to 40 C.F.R. § 52.23, failure to comply with any approved regulatory provision of a SIP, or with any permit condition issued pursuant to approved or promulgated regulations for the review of new or modified stationary or indirect sources, renders the person so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement under Section 113 of the Act, 42 U.S.C. § 7413.
3. On November 1, 1982, the Administrator of EPA approved OAC Rule 3745-15 as part of the federally enforceable SIP for the State of Ohio. 47 Fed. Reg. 43377. OAC Rule 3745-15 regulates general provisions, including but not limited to malfunctions at stationary sources, scheduled maintenance, and reporting.

4. Section 113(a)(3) of the CAA, 42 U.S.C. § 7413(a)(3), authorizes the Administrator to initiate an enforcement action whenever, among other things, the Administrator finds that any person has violated or is in violation of a requirement or prohibition of Title V of the CAA, or any rule or permit promulgated, issued or approved under Title V of the CAA.
5. 40 C.F.R. § 63.6(e)(1)(i) requires that at all times, including periods of startup, shutdown, and malfunction, the owner or operator must operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions.
6. Ohio EPA, delegated authority by EPA, issued PSD Permit to Install 07-00511 (PSD Permit) to Haverhill North Coke on December 11, 2003. The permit was modified to incorporate new bypass PM emission rate limits via administrative modification on June 27, 2006, and January 15, 2008.
7. Part P901 III Section A(II)(1) of the PSD Permit effective December 11, 2003, requires that the pressure drop across the waste gas exhaust baghouse shall be maintained within the range of 3 to 12 inches of water while the emissions unit is in operation.
8. Part P902 III Section A(II)(1) of the PSD Permit effective December 11, 2003, requires that the pressure drop across the waste gas exhaust baghouse shall be maintained within the range of 3 to 12 inches of water while the emissions unit is in operation.
9. Part P901 III Section A(II)(2) requires that the pressure drop across each charging baghouse shall be maintained within the range of 3 to 12 inches of water while the emissions unit is in operation.
10. Part P902 III Section A(II)(2) requires that the pressure drop across each charging baghouse shall be maintained within the range of 3 to 12 inches of water while the emissions unit is in operation.
11. Part P901 III Section A(II)(5) of the PSD Permit effective June 27, 2006, requires that the maximum daily wet coal usage rate for unit P901 shall not exceed 2,400 wet tons coal.
12. Part P902 III Section A(II)(5) of the PSD Permit effective June 27, 2006, requires that the maximum daily wet coal usage rate for unit P902 shall not exceed 2,400 wet tons coal.

Factual Background

13. Haverhill North Coke owns and/or operates a metallurgical coke plant at 2446 Gallia Pike, Franklin Furnace, Ohio (facility).
14. At the facility Haverhill North Coke operates 200 nonrecovery coke ovens designated as Batteries A, B, C, and D. Haverhill's PSD permit identifies emissions unit P901, or

Batteries A and B, as the set of 100 ovens constructed in 2004, and P902, or Batteries C and D, as the set of 100 ovens constructed in 2008.

15. EPA issued a Notice and Finding of Violation to Haverhill North Coke Company on December 10, 2008, April 15, 2009, and February 17, 2010, alleging violations of waste gas stack PM, NO_x, and SO₂ limits and CEMS standards, bypass venting emission limits and operational standards, and standards for its mercury sorbent trap system.
16. EPA issued an information request to Haverhill North Coke on May 12, 2010 requesting, among other things, data related to wet coal charge totals and records of pressure drops recorded in inches of water at units P901 and P902 baghouses since 2006.
17. Haverhill North Coke responded to EPA's information request on June 4, 2010. In its response, Haverhill North Coke provided data related to daily coal charges at units P901 and P902 ovens, and daily differential pressure readings at units P901 and P902 baghouses.

Violations of Coal Charge Limits and Baghouse Pressure Drop Requirements

Violations of Coal Charge Limits

Unit P901

Charge Date	Wet Coal Tons Charged
1/14/2007	2427.9
1/16/2007	3501.5
1/18/2007	3450.1
1/20/2007	3448.7
1/22/2007	3384
1/24/2007	2829.5
1/26/2007	2427.3
1/30/2007	2812.3
2/1/2007	2703.8
2/3/2007	3061.6
2/7/2009	2666.1
2/9/2007	2719.3
2/11/2007	2755.4
2/14/2007	2430.5
2/20/2007	2762.7
2/22/2007	2518.3
2/24/2007	2660
2/26/2007	2420.2
2/27/2007	2468.4
3/3/2007	2401.3

3/7/2007	2826.3
3/10/2007	2490.8
3/12/2007	3118.7
3/14/2007	2854
3/16/2007	2437.9
3/17/2007	2439.7
3/20/2007	2671.1
3/23/2007	2442.2
3/24/2007	2627.7
3/28/2007	3299
3/30/2007	3202.2
4/1/2007	2557.46
4/3/2007	3052.91
4/5/2007	2993.66
4/10/2007	3693.25
4/12/2007	3502.23
4/14/2007	3348.75
4/16/2007	3144.46
4/18/2007	3393.55
4/20/2007	3019.78
4/22/2007	2971.73
4/27/2007	2444.5
4/28/2007	2864.4
4/30/2007	2875.68
5/4/2007	2512.74
5/6/2007	2481.51
5/10/2007	2670.33
5/12/2007	2423.82
5/13/2007	2742.07
5/15/2007	2819.33
5/17/2007	3373.46
5/19/2007	2802.25
5/21/2007	2874.86
5/23/2007	2758.49
5/25/2007	2668.41
5/27/2007	2939.44
5/29/2007	3456.18
5/31/2007	3585.62
6/2/2007	3515.46
6/4/2007	3209.87
6/6/2007	3085.21
6/8/2007	2644.15
6/12/2007	2568.84

6/13/2007	2460.85
6/15/2007	2637.07
6/20/2007	2679.71
6/23/2007	2487.53
6/24/2007	2442.47
6/25/2007	2540.33
6/28/2007	2689.22
6/30/2007	3252.18
7/2/2007	3231.46
7/4/2007	2875.89
7/6/2007	2673.57
7/8/2007	3064.95
7/10/2007	3156.53
7/12/2007	2883.01
7/14/2007	2756.64
7/16/2007	3031.91
7/18/2007	2834.27
7/20/2007	2821.44
7/22/2007	2998.52
7/23/2007	2577.52
7/26/2007	3344.9
7/28/2007	3237.86
7/30/2007	2644.4
7/31/2007	2485.6
8/3/2007	2485.51
8/6/2007	2679.63
8/8/2007	2491.02
8/12/2007	3307.82
8/14/2007	3306.01
8/16/2007	3019.38
8/18/2007	2917.4
8/19/2007	2681.13
8/22/2007	2634.64
8/24/2007	2870.44
8/26/2007	2825.87
8/28/2007	2584.14
9/2/2007	2772.86
9/5/2007	2535.9
9/7/2007	2622.5
9/9/2007	2682.71
9/11/2007	2826.43
9/15/2007	2424.7
9/16/2007	2870.15

9/21/2007	2532.05
9/23/2007	2695.01
9/25/2007	3084.39
9/28/2007	2682.49
9/29/2007	2629
10/2/2007	2755.45
10/4/2007	2756.19
10/6/2007	2725.74
10/8/2007	2528.81
10/11/2007	2570.32
10/13/2007	2735.56
10/17/2007	3154.93
10/19/2007	2887.78
11/10/2008	2446.27

Unit P902

Charge Date	Wet Coal Tons Charged
12/24/2008	2431.21

18. Haverhill North Coke's 120 days of failure since 2006 to limit daily coal charges to 2,400 wet tons per day as required by its permit is a violation of Parts P901 and P902 III Section A(II)(5) of its PSD permit, Title V of the CAA, the Ohio SIP, and 40 C.F.R. § 63.6(e).

Violations of Baghouse Pressure Drop Requirements

Date	Time	P901 Recorded Pressure Drop (inches of water)	P902 Recorded Pressure Drop (inches of water)
17-Jan-06	18:14:47	Bad	
17-Jan-06	18:14:58	Bad	
17-Jan-06	18:15:21	Unknown	
17-Jan-06	18:15:22	Bad	
17-Jan-06	18:15:40	Bad	
17-Jan-06	18:19:16	Bad	
17-Jan-06	18:32:30	Bad	
18-Jan-06	16:50:27	Bad	
18-Jan-06	16:50:44	Bad	
18-Jan-06	17:00:06	Bad	
18-Jan-06	17:03:35	Bad	

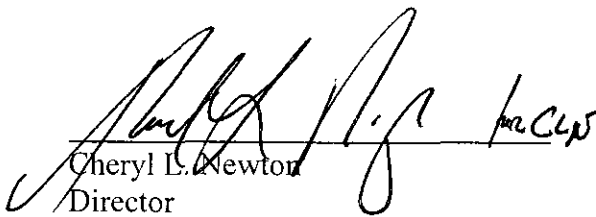
19-Feb-06		13.42	
5-Nov-08			12.6
6-Nov-08		13	15.1
7-Nov-08		15.37	13.7
9-Nov-08		12.6	13.2
17-Nov-08		12.1	12.97
18-Nov-08			12.6
21-Nov-08		12.21	12.1
22-Nov-08		12.55	
23-Nov-08			13.08
22-Feb-09		1.7	No report
23-Feb-09		1.38	8.56
7-Apr-09		13.3	
7-Oct-09		12.1	

19. Haverhill North Coke's failure to maintain baghouse pressure drops within the ranges specified by its permit on 25 days since 2006 is a violation of Parts P901 and P902 III Section A(II)(1) and Parts P901 and P902 III Section A(II)(2) of its PSD permit, Title V of the CAA, the Ohio SIP, and 40 C.F.R. § 63.6(e).

Environmental Impact of Violations

20. Violations of operational standards designed to govern particulate emissions standards increases public exposure to unhealthy particulate matter. Particulate matter, especially fine particulate, contributes to respiratory problems, lung damage and premature deaths.

7/22/10
Date


Cheryl L. Newton
Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent a Notice and Finding of Violation, No. EPA-5-10-OH-22, by Certified Mail, Return Receipt Requested, to:

Haverhill North Coke Company
John Essman
2446 Gallia Pike
Franklin Furnace, Ohio 45629

Anthony Sullivan, Esq.
Barnes & Thornburg, LLP
11 South Meridian Street
Indianapolis, Indiana 46204

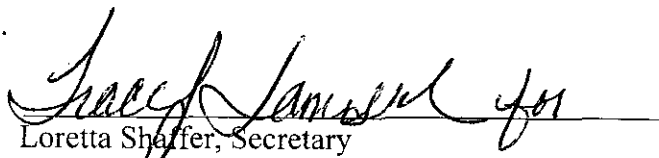
I also certify that I sent copies of the Notice of Violation and Finding of Violation by first class mail to:

Cindy Charles
Portsmouth Local Air Agency
605 Washington Street, Third Floor
Portsmouth, Ohio 45662

John Paulian
Ohio EPA – DAPC
Lazarus Government Center
P.O. Box 1049
Columbus, Ohio 43215

Cathy Rojko
U.S. Department of Justice/ENRD
Environmental Enforcement Section
P.O. Box 7611, Ben Franklin Station
Washington, DC 20044

on the 22 day of July, 2010.


Loretta Shaffer, Secretary
AECAS, MN-OH

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